

TFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

EASTER *et al.*

Serial No.: 10/549,686

Filed: March 22, 2004

Confirmation No.: 1119


Atty. File No.: 45568-00542

For: "IMPROVED APPARATUS AND
METHOD FOR OSSICULAR FIXATION OF
IMPLANTABLE HEARING AID ACTUATOR"

) Group Art Unit: Not Yet Assigned

) Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON OCTOBER 12, 2006.</p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY:  Teresa L. Marshall</p>

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450


Dear Sir or Madam:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby submits the enclosed PTO Form 1449, although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application. Pursuant to the Official Gazette Notice of August 5, 2003, copies of any U.S. Patents or published U.S. Patent Applications are not being submitted herewith. Copies of any foreign patent and non-patent documents are submitted herewith.

Respectfully submitted,

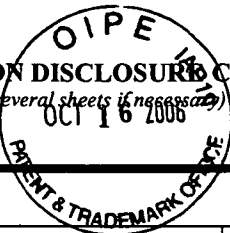
MARSH FISCHMANN & BREYFOGLE LLP

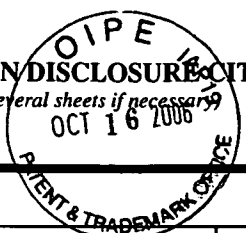
By:


Thomas R. Marsh
Registration No. 31,039
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
Telephone: (303) 338-0997
Facsimile: (303) 338-1514

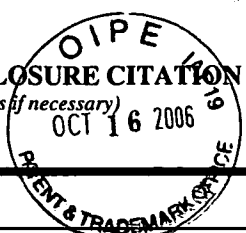
Date: October 12, 2006

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.D./

 INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (optional) 45568-00542		Application Number 10/549,686		
				Applicant(s) EASTER <i>et al.</i>				
				Filing Date March 22, 2004		Group Art Unit Not Yet Assigned		
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	1.	3,764,748	10/09/73	Branch <i>et al.</i>	607	57		
	2.	3,902,084	08/26/75	May, Jr.	310	8.1		
	3.	3,902,085	08/26/75	Bizzigotti	310	8.3		
	4.	4,287,616	09/08/81	Heimke <i>et al.</i>	3	1.9		
	5.	4,462,401	07/31/84	Burgio	128	303		
	6.	4,462,402	09/31/84	Burgio <i>et al.</i>	128	303		
	7.	4,487,210	12/11/84	Knudsen <i>et al.</i>	128	785		
	8.	4,498,461	02/12/85	Håkansson	128	1		
	9.	4,774,933	10/04/88	Hough <i>et al.</i>	600	25		
	10.	4,904,233	02/27/90	Håkansson <i>et al.</i>	600	25		
	11.	5,085,628	02/04/92	Engebretson <i>et al.</i>	600	25		
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)								
	a.	U.S. Patent Application Serial No. 10/351,682 entitled "Apparatus for Connection of Implantable Devices to the Auditory System", filed January 27, 2003.						
	b.	Kodera <i>et al.</i> ; Evaluation of the Ceramic Vibrator in the Cat; Adv. Audiol., vol. 4, pp. 97-106 (Karger, Basel 1988)						
EXAMINER				DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application								

 INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (optional) 45568-00542		Application Number 10/549,686		
				Applicant(s) EASTER <i>et al.</i>				
				Filing Date March 22, 2004		Group Art Unit Not Yet Assigned		
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	12.	5,144,952	09/08/92	Frachet <i>et al.</i>	128	642		
	13.	5,220,918	06/22/93	Heide <i>et al.</i>	128	420.6		
	14.	5,277,694	01/11/94	Leysieffer <i>et al.</i>	600	25		
	15.	5,282,858	02/01/94	Bisch <i>et al.</i>	623	10		
	16.	5,460,593	10/24/95	Mersky <i>et al.</i>	600	25		
	17.	5,486,197	01/23/96	Le <i>et al.</i>	606	232		
	18.	5,527,342	06/18/96	Pietrzak <i>et al.</i>	606	232		
	19.	5,584,695	12/17/96	Lal Sachdeva <i>et al.</i>	433	173		
	20.	5,624,376	04/29/97	Ball <i>et al.</i>	600	25		
	21.	5,702,342	12/30/97	Metzler <i>et al.</i>	600	25		
	22.	5,720,631	02/24/98	Carson <i>et al.</i>	439	668		
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)								
	c.	Gyo <i>et al.</i> ; Measurement of Stapes Vibration Driven by the Ceramic Vibrator of Middle Ear Implant – Human Temporal Bone Experiments; Adv. Audiol., vol. 4, pp. 107-116 (Karger, Basel 1988)						
EXAMINER				DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application								

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (optional) 45568-00542		Application Number 10/549,686	
				Applicant(s) EASTER <i>et al.</i>			
				Filing Date March 22, 2004		Group Art Unit Not Yet Assigned	



U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	23.	5,735,790	04/0798	Håkansson <i>et al.</i>	600	25	
	24.	5,788,711	08/04/98	Lehner <i>et al.</i>	606	130	
	25.	5,800,336	09/01/98	Ball <i>et al.</i>	600	25	
	26.	5,840,078	11/24/98	Yerys	606	151	
	27.	5,899,847	05/04/99	Adams	600	25	
	28.	5,904,483	05/18/99	Wade	433	173	
	29.	5,935,170	08/10/99	Håkansson <i>et al.</i>	623	16	
	30.	5,951,601	09/14/99	Lesinski <i>et al.</i>	623	10	
	31.	5,954,628	09/21/99	Kennedy	600	25	
	32.	5,984,859	11/16/99	Lesinski	600	25	
	33.	5,993,376	11/30/99	Kennedy	600	25	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

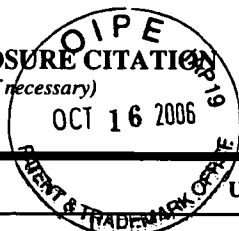
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Docket Number (optional)

45568-00542

Application Number

10/549,686

Applicant(s)

EASTER *et al.*

Filing Date

March 22, 2004

Group Art Unit

Not Yet Assigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	34.	6,001,129	12/14/99	Bushek <i>et al.</i>	623	10	
	35.	6,039,685	03/21/00	Bushek	600	25	
	36.	6,190,306	02820/01	Kennedy	600	25	
	37.	6,277,148 B1	08/21/01	Dormer	623	10	
	38.	6,398,717	06/04/02	Leysieffer <i>et al.</i>	600	25	
	39.	2002/0095063	07/18/02	Kroll <i>et al.</i>	600	25	
	40.	6,482,144	11/19/02	Müller	600	25	
	41.	6,537,199	03/25/03	Müller <i>et al.</i>	600	25	
	42.	6,540,661	04/01/03	Müller	600	25	
	43.	6,547,715	04/15/03	Müller <i>et al.</i>	600	25	
	44.	6,620,110	09/16/03	Schmid	600	559	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Docket Number (optional)

45568-00542

Application Number

10/549,686

Applicant(s)

EASTER *et al.*

Filing Date

March 22, 2004

Group Art Unit

Not Yet Assigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	45.	6,705,985 B2	03/16/04	Easter <i>et al.</i>	600	25	
	46.	2004/0147804 A1	07/29/04	Schneider <i>et al.</i>	600	25	
	47.	6,945,999 B2	09/20/05	Schneider <i>et al.</i>	623	10	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

/Renee Danega/

DATE CONSIDERED

12/14/2010

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application